

Declaration of Joseph Egan Under 37 CFR §1.132

1. I, Joseph Egan, declare as follows under penalty of perjury.
2. I hold a B.S. in Electrical Engineering from The University of Florida Gainesville.
3. I have been intimately involved in the design and development of sensing technology for use in identifying the placement of marking labels on rapidly moving webs. Through such work I have become thoroughly familiar with known labeling practices and label designs for use on rapidly moving webs.
4. I have reviewed U.S. Patents Nos. 4,479,316 (Wipperfurth) and 2,095,437 (Fox).
5. I have reviewed the U.S. Patent Office Action dated September 10, 2002 and the conclusions of obviousness set forth therein.
6. In the Office Action I have noted the following statement:

It would have been obvious to one having ordinary skill in the art at the time the invention was made that in addition to the one adhesive free end in the admitted prior art to also include a second free end as taught by Wipperfurth and Fox.

7. Based upon my experience, the above statement is incorrect for the following reasons:

First, the conclusion in the Office Action does not take into account that the accepted wisdom in the art of labeling moving webs has been to substantially avoid adhesive free label zones at inboard locations. A critical requirement of labeling a moving web is that the applied label must stay in place despite the movement of the web. If the label falls off of the web, the label may foul the equipment and downstream sensors will be useless in identifying the marked location. Thus, achieving and maintaining a secure relationship between the label and the moving web is a fundamental consideration in the design of labels and labeling equipment. In order to ensure the achievement and maintenance of such adhesion, prior labels have been designed to avoid the occurrence of substantial adhesive free zones at label ends inboard of the web edge. This thinking is reflected in the traditional practice of producing label strips in which labels with a single adhesive-free end are oriented in either right handed or left handed orientations depending upon the contemplated placement orientation on the web. This practice ensures that the end of the label projecting into the web has an adhesive coating.

Second, the conclusion in the Office Action does not take into account the fact that placement of a label on a moving web must account for variability due to the movement and vibration of the web. This variability precludes the ability to use extremely narrow adhesive free zones to project outboard of the web. As the adhesive free zones are narrowed, it becomes increasingly difficult to place the label on the moving web without having a portion of the adhesive projecting outboard of the web. Outwardly projecting adhesive is undesirable since the outwardly projecting adhesive may cause the label to attach to a foreign surface and peel away from the web. Thus, labels which have narrow adhesive free zones at both ends would not be expected to be suitable for placement on a moving web.

In order to modify prior labels to include adhesive free zones at both ends for use in labeling a moving web one would have to specifically ignore the conventional wisdom regarding the labeling of moving webs. Specifically, one would have to ignore the accepted wisdom in the art that inboard adhesive-free zones are to be avoided. Even a

narrow inboard adhesive free end would be contrary to the accepted wisdom in the art. In addition, there would have been no motivation to use a label with extremely narrow adhesive free zones at both ends to mark a moving web since there would be no reasonable expectation that a label with such narrow adhesive free zones could be properly placed on a moving web without having adhesive extend to an undesirable outboard position.

Respectfully submitted,



Joseph Egan

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